

FORTIS CORPORATE INSURANCE as  
subrogee of EMPIRE RESOURCES, INC.,

Plaintiff,

v.

TOTAL QUALITY LOGISTICS, INC. and  
HILL'S TRUCKING, INC.,

Defendants.

TOTAL QUALITY LOGISTICS, INC.,

Third-Party Plaintiff,

v.

BOLIVAR INSURANCE AND REAL ESTATE,  
INC. and CANAL INSURANCE CO.,

Third-Party Defendants.

: Hon. Victor Marrero, U.S.D.J.

: 07 Civ. 03731 (VM)

: NOTICE OF MOTION TO STAY  
: IN DEFERENCE TO THE  
: PENDING TENNESSEE ACTION

PLEASE TAKE NOTICE that, upon the accompanying Affidavit of Robert L. Green, Esq., dated February 6, 2008, the Exhibits thereto, and the supporting Memorandum of Law, Defendants will move before the Honorable Victor Marrero, U.S.D.J. at the United States Courthouse, 500 Pearl Street, New York, New York on a date to be determined by the Court for a Notice of Motion to Stay this Litigation in Deference to the Pending Mediation in the Tennessee Action, and for such other further relief as this Court finds just and proper.

Dated: New York, New York  
February 7, 2008

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By: 

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